

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-210050

DATE: January 6, 1983

MATTER OF: Barrier Industries, Inc.

DIGEST:

Submission of a below-cost bid is not a basis for precluding acceptance of the bid. Allegations regarding the possible violation of the anti-trust laws are properly for referral to the Department of Justice.

Barrier Industries, Inc. (Barrier), protests any award of a contract to Masury Columbia under solicitation No. 9YCO-OKE-A-A0680/82, for floor wax and floor finish, issued by Region 9, General Services Administration (GSA), San Francisco, California.

According to Barrier, Masury Columbia has lowered its prices for these items "by amounts substantially more than normal business conditions warrant," apparently motivated by a determination to destroy Barrier's ability to compete. In Barrier's opinion, Masury Columbia is violating the Robinson-Patman Act, 15 U.S.C. § 13 (1976), which prohibits the selling of goods at prices below those normally charged for the purpose of destroying competition.

At the outset, we point out that the submission of a below-cost bid does not constitute a legal basis for precluding or disturbing a contract award. GEM Resources, Inc., B-207807, July 6, 1982, 82-2 CPD 23. In regard to Barrier's allegation of predatory pricing, we note that the Robinson-Patman Act is not applicable to Government contracts. R. E. Skinner & Associates, B-201064, November 18, 1980, 80-2 CPD 376. In any event, our Office does not consider allegations of anti-trust violations, and any evidence of such violations should be referred to the Department of Justice. Flight Refueling, Inc., B-207980, July 13, 1982, 82-2 CPD 48.

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Protest dismissed.

Harry R. Van Cleve
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Acting General Counsel